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SECOND REGULAR SESSION
FIFTY-EIGHTH LEGISLATURE

SIXTY-FIRST LEGISLATIVE DAY
FRIDAY, MARCH 10, 2006

Senate Chamber

President Pro Tempore Geddes called the Senate to order at 9:30 a.m.

Roll call showed all members present except Senator Fulcher, absent and formally excused by the Chair; and Senators Malepeai and Stennett, absent and excused.

Prayer was offered by Chaplain Don Hardenbrook.

The Pledge of Allegiance was led by Lacey Keller, Page.

The Senate advanced to the Third Order of Business.

Reading and Correction of the Journal

The JUDICIARY AND RULES Committee reports that the Senate Journal of the proceedings of March 9, 2006, was read and approved as corrected.

DARRINGTON, Chairman

There being no objection, the report was adopted and ordered filed in the office of the Secretary of the Senate.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Sixth Order of Business.

Reports of Standing Committees

March 10, 2006

The JUDICIARY AND RULES Committee reports that **S 1437**, **S 1438**, **S 1439**, **S 1440**, **S 1441**, and **SCR 131** have been correctly printed.

DARRINGTON, Chairman

S 1437 was referred to the State Affairs Committee.

S 1438, **S 1439**, and **S 1440** were referred to the Education Committee.

S 1441 was referred to the Judiciary and Rules Committee.

SCR 131 was referred to the Tenth Order of Business, Motions and Resolutions, and ordered held at the Secretary's desk for one legislative day.

March 9, 2006

The AGRICULTURAL AFFAIRS Committee reports out **H 491** with the recommendation that it do pass.

WILLIAMS, Chairman

H 491 was filed for second reading.

March 9, 2006

The LOCAL GOVERNMENT AND TAXATION Committee reports out **H 680** with the recommendation that it be referred to the Fourteenth Order of Business for amendment.

BUNDERSON, Chairman

There being no objection, **H 680** was referred to the Fourteenth Order of Business, General Calendar.

March 9, 2006

The COMMERCE AND HUMAN RESOURCES Committee reports out **H 649**, **H 520**, **H 521**, **H 433**, and **H 522** with the recommendation that they do pass and with the recommendation that they be placed on the Consent Calendar.

COINER, Vice Chairman

H 649, **H 520**, **H 521**, **H 433**, and **H 522** were filed for second reading.

March 9, 2006

The COMMERCE AND HUMAN RESOURCES Committee reports out **H 538**, **H 539**, and **H 645** with the recommendation that they do pass.

COINER, Vice Chairman

H 538, **H 539**, and **H 645** were filed for second reading.

March 9, 2006

The TRANSPORTATION Committee reports out **H 605**, **H 606**, **H 607**, and **H 609** with the recommendation that they do pass.

BRANDT, Chairman

H 605, **H 606**, **H 607**, and **H 609** were filed for second reading.

Senator Malepeai was recorded present at this order of business.

March 10, 2006

The STATE AFFAIRS Committee reports out **S 1437** with the recommendation that it do pass.

BURTENSCHAW, Chairman

S 1437 was filed for second reading.

March 10, 2006

The LOCAL GOVERNMENT AND TAXATION Committee reports out **H 678** and **H 679** with the recommendation that they be referred to the Fourteenth Order of Business for amendment.

BUNDERSON, Chairman

There being no objection, **H 678** and **H 679** were referred to the Fourteenth Order of Business, General Calendar.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Ninth Order of Business.

Messages from the House

March 9, 2006

Mr. President:

I transmit herewith **H 726**, **H 744**, **H 713**, as amended, and **H 602**, as amended, which have passed the House.

JUKER, Chief Clerk

H 726, **H 744**, **H 713**, as amended, and **H 602**, as amended, were filed for first reading.

March 9, 2006

Mr. President:

I transmit herewith Enrolled **H 571**, **H 574**, **H 536**, **H 591**, **H 592**, **H 700**, **H 701**, **H 564**, **H 566**, **H 465**, **H 560**, **H 578**, **H 452**, **H 585**, **H 586**, **H 471**, **H 461**, **H 444**, as amended, **H 473**, **H 459**, and **H 458** for the signature of the President.

JUKER, Chief Clerk

The President Pro Tempore signed Enrolled **H 571**, **H 574**, **H 536**, **H 591**, **H 592**, **H 700**, **H 701**, **H 564**, **H 566**, **H 465**, **H 560**, **H 578**, **H 452**, **H 585**, **H 586**, **H 471**, **H 461**, **H 444**, as amended, **H 473**, **H 459**, and **H 458** and ordered them returned to the House.

Senator Stennett was recorded present at this order of business.

The Senate advanced to the Tenth Order of Business.

Motions and Resolutions

The President Pro Tempore announced the State Affairs Committee report relative to the Gubernatorial appointment of Blanche M. Weber was before the Senate for final consideration, the question being, "Shall the report be adopted?"

On motion by Senator Stegner, seconded by Senator Stennett, the Gubernatorial appointment of Blanche M. Weber as a member of the Bingo-Raffle Advisory Board was confirmed by voice vote.

The President Pro Tempore declared the report adopted and directed the Secretary of the Senate to prepare a letter of the Gubernatorial appointment confirmation for his signature, attested to by the Secretary, to be transmitted to the Governor informing him of the action of the Senate.

On request by Senator Darrington, granted by unanimous consent, the State Affairs committee report, relative to the Gubernatorial appointment of John Ewing to the State Building Authority, retained its place on the calendar for one legislative day.

The President Pro Tempore announced the Judiciary and Rules Committee report relative to the Gubernatorial appointment of Mark Funaiole was before the Senate for final consideration, the question being, "Shall the report be adopted?"

On motion by Senator Kelly, seconded by Senator Stegner, the Gubernatorial appointment of Mark Funaiole as a member of the Commission of Pardons and Parole was confirmed by voice vote.

The President Pro Tempore declared the report adopted and directed the Secretary of the Senate to prepare a letter of the Gubernatorial appointment confirmation for his signature, attested to by the Secretary, to be transmitted to the Governor informing him of the action of the Senate.

The President Pro Tempore announced that **HJM 13** was before the Senate for final consideration, the question being, "Shall the memorial be adopted?"

On motion by Senator Goedde, seconded by Senator Marley, **HJM 13** was adopted by voice vote, title was approved, and the memorial ordered returned to the House.

The Senate advanced to the Eleventh Order of Business.

Introduction, First Reading and Reference of Bills, House Petitions, Resolutions, and Memorials

S 1442

BY FINANCE COMMITTEE

AN ACT

APPROPRIATING MONEYS FOR COMMUNITY COLLEGE SUPPORT FOR FISCAL YEAR 2007; AND EXPRESSING LEGISLATIVE INTENT IN REGARD TO ALLOCATION OF GENERAL FUNDS.

S 1442 was introduced, read the first time at length, and referred to the Judiciary and Rules Committee for printing.

H 726 and **H 744**, by Revenue and Taxation Committee, were introduced, read the first time at length, and referred to the Local Government and Taxation Committee.

H 713, as amended, by Education Committee, was introduced, read the first time at length, and referred to the Judiciary and Rules Committee.

H 602, as amended, by Transportation and Defense Committee, was introduced, read the first time at length, and referred to the Judiciary and Rules Committee.

The Senate advanced to the Twelfth Order of Business.

Second Reading of Bills

H 517, **H 659**, and **H 727**, by Transportation and Defense Committee, was read the second time at length and filed for third reading, Consent Calendar.

S 1434, **S 1435**, and **S 1436**, by Finance Committee, were read the second time at length and filed for third reading.

H 711 and **H 718**, by State Affairs Committee, were read the second time at length and filed for third reading.

H 613, as amended, by Health and Welfare Committee, was read the second time at length and filed for third reading, Consent Calendar.

H 646, by Business Committee, was read the second time at length and filed for third reading, Consent Calendar.

H 565, as amended, **H 611**, as amended, and **H 664**, by Health and Welfare Committee, were read the second time at length and filed for third reading.

S 1425, by Judiciary and Rules Committee, was read the second time at length and filed for third reading.

H 632, **H 633**, **H 631**, and **H 432**, by Judiciary, Rules, and Administration Committee, were read the second time at length and filed for third reading.

H 443, as amended in the Senate, by Revenue and Taxation Committee, was read the second time at length and filed for third reading.

H 671, as amended in the Senate, by State Affairs Committee, was read the second time at length and filed for third reading.

H 497, as amended in the Senate, by Revenue and Taxation Committee, was read the second time at length and filed for third reading.

S 1356, as amended, and **S 1357**, as amended, by Judiciary and Rules Committee, were read the second time at length and filed for third reading.

The Senate advanced to the Thirteenth Order of Business.

Third Reading of Bills

On request by Senator Broadsword, granted by unanimous consent, **S 1423**, having been held, was referred to the Fourteenth Order of Business, General Calendar.

Senator Fulcher was recorded present at this order of business.

S 1428, having been held, was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Sweet arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Brandt, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 33.

NAYS--Goedde, Hatch (Andreason). Total - 2.

Total - 35.

Whereupon the President Pro Tempore declared **S 1428** passed, title was approved, and the bill ordered transmitted to the House.

H 615 was read the third time at length, section by section, and placed before the Senate for final consideration. Senators Stegner and Corder arose as co-sponsors of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Brandt, Broadsword, Burkett, Burtenshaw, Coiner, Compton, Corder, Darrington, Davis, Gannon, Geddes, Goedde, Hatch (Andreason), Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Schroeder, Stegner, Stennett, Werk. Total - 26.

NAYS--Bunderson, Cameron, Fulcher, Hill, Jorgenson, Pearce, Richardson, Sweet, Williams. Total - 9.

Total - 35.

Whereupon the President Pro Tempore declared **H 615** passed, title was approved, and the bill ordered returned to the House.

On request by Senator Davis, granted by unanimous consent, all Senate bills were placed at the head of the Third Reading Calendar, followed by House bills amended in the Senate, followed by House bills. **H 619** was removed from the Consent Calendar and placed at the bottom of the Third Reading Calendar.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Fifteenth Order of Business.

Miscellaneous Business

On motion by Senator Davis, seconded by Senator Stennett, by voice vote the Senate adjourned at 11:05 a.m. until the hour of 9:30 a.m., Monday, March 13, 2006.

ROBERT L. GEDDES, President Pro Tempore

Attest: JEANNINE WOOD, Secretary